

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALEXANDRIA BRADBURY,
BRITTANY LYNN BRADBURY, CODY
THOMAS BRADBURY, ABIGAIL GRACE
BRADBURY, and CHELSEY LYNN
BRADBURY, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MELISSA ANN BRADBURY,

Respondent-Appellant.

UNPUBLISHED

May 13, 2008

No. 282299

Wayne Circuit Court

Family Division

LC No. 07-466119-NA

Before: Kelly, P.J., and Owens and Schuette, JJ.

PER CURIAM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(i), (g), (h), and (j). We affirm. We decide this appeal without oral argument under MCR 7.214(E).

I. FACTS

Respondent and Thomas Nadolski are the parents of Cody, Brittany, Chelsey, Alexandria, and Abigail Bradbury.

Petitioner filed an original petition for termination of respondent's parental rights in April 2007, alleging that respondent communicated with a man over the Internet and offered to sell one of her children for sex. The man turned out to be an undercover officer and respondent was arrested. She later admitted to having performed oral sex on the same child two years earlier and also had the child do the same to her. She did not know why she had done it. "[I]t just happened," she said. She knew it could mentally scar the child for life, but said, "I really didn't think about it." Following a preliminary hearing, the court authorized the petition and temporarily placed the children in foster care.

The court delayed further proceedings pending the outcome of respondent's criminal trial. After respondent's conviction, she entered a no contest plea to the allegations in the

petition. She was sentenced in August 2007; the longest sentence imposed was 9½ to 20 years in prison. Her earliest release date is September 30, 2016, and her maximum discharge date is March 30, 2027.

Respondent admitted that after she was convicted, she discussed the underlying events on a nationally televised show because she “wanted to get my side out.” She said the children did not “watch shows like that,” so she figured discussing the matter on the air would not do them any harm.

The trial court found that termination was warranted under MCL 712A.19b(3)(b)(i) and (j) because respondent “entered a plea of no contest to the charges of attempting to sell her daughter for sexual activity on the internet with a strange man.” She had also admitted “that this was not the first sexual abuse that was involving this child. Based upon these incidents, the court said, “it is clear that these children would . . . be in danger if placed in the care of the mother, based on her . . . previous conduct.” The court also found that termination was warranted under §§ 19b(3)(g) and (h) because of respondent’s conduct and her lengthy prison sentence.

II. TERMINATION OF PARENTAL RIGHTS

Respondent first argues that the trial court clearly erred in finding that the statutory grounds for termination were established by clear and convincing evidence. We disagree.

A. Standard of Review

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). This Court reviews the lower court’s findings under the clearly erroneous standard. *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999); see also MCR 3.977(J). A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court’s special opportunity to observe the witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

B. Analysis

The trial court did not clearly err in finding that the statutory grounds for termination had been proven by clear and convincing evidence. Respondent engaged in oral sex with one of her own children and later attempted to prostitute that child to a third person. She could not say why she engaged in sex with her child and blamed the third person for the attempted prostitution because he offered too much money for her to resist. As a result of the attempted prostitution and other offenses related to child pornography, respondent is serving a prison sentence of 9½ to 20 years and will not be in a position to provide a proper home or proper care and custody for the whole of the children’s minorities. Therefore, the trial court did not err in finding that statutory grounds for termination had been proven by clear and convincing evidence.

III. BEST INTERESTS OF THE CHILD

Respondent also argues that the trial court erred in its best-interests determination. Again, we disagree.

A. Standard of Review

Once a statutory ground for termination is established by clear and convincing evidence, the court must terminate parental rights unless it finds from the whole record that termination clearly is not in the child's best interests. MCL 712A.19b(5); *Trejo, supra* at 353. The trial court's decision on best interests is also reviewed for clear error. *Trejo, supra* at 356-357.

B. Analysis

The evidence clearly showed that termination of respondent's parental rights was in the children's best interests. Considering respondent's reprehensible conduct and her apparent lack of concern for how it could affect the children, and that she tried to rationalize her behavior by saying it was for the children's benefit, it is inconceivable that termination of her parental rights would be anything other than in the children's best interests.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Donald S. Owens
/s/ Bill Schuette